

# House Amendment 1005

PAG LIN

1 1 Amend House File 65 as follows:  
1 2 #1. Page 1, by inserting after line 4, the  
1 3 following:  
1 4 <Sec. \_\_\_\_\_. Section 321J.2, Code 2003, is amended  
1 5 by adding the following new subsection:  
1 6 NEW SUBSECTION. 2A. a. Notwithstanding  
1 7 subsection 2, paragraph "a", subparagraph (3), a  
1 8 person whose alcohol concentration established by the  
1 9 results of an analysis of the defendant's blood,  
1 10 breath, or urine withdrawn in accordance with this  
1 11 chapter is .08 or more but is not more than .10 shall  
1 12 be subject to a revocation of the person's driver's  
1 13 license for a minimum revocation period of one hundred  
1 14 eighty days, with no period of ineligibility for a  
1 15 temporary restricted license.  
1 16 b. This subsection shall not apply to a person who  
1 17 is under the age of twenty-one who operates a motor  
1 18 vehicle while having an alcohol concentration of .02  
1 19 or more pursuant to section 321J.2A, to a person who  
1 20 refuses to submit to chemical testing pursuant to  
1 21 section 321J.9, or to a person who is convicted of or  
1 22 pleads guilty to a violation of section 707.6A.  
1 23 Sec. \_\_\_\_\_. Section 321J.4, subsection 1, Code 2003,  
1 24 is amended to read as follows:  
1 25 1. If a defendant is convicted of a violation of  
1 26 section 321J.2 and the defendant's driver's license or  
1 27 nonresident operating privilege has not been revoked  
1 28 under section 321J.9 or 321J.12 for the occurrence  
1 29 from which the arrest arose, the department shall  
1 30 revoke the defendant's driver's license or nonresident  
1 31 operating privilege for one hundred eighty days if the  
1 32 defendant has had no previous conviction or revocation  
1 33 under this chapter. The Except as provided in section  
1 34 321J.2, subsection 2A, the defendant shall not be  
1 35 eligible for any temporary restricted license for at  
1 36 least thirty days after the effective date of the  
1 37 revocation if a test was obtained, and for at least  
1 38 ninety days if a test was refused. If the defendant  
1 39 is under the age of twenty-one, the defendant shall  
1 40 not be eligible for a temporary restricted license for  
1 41 at least sixty days after the effective date of  
1 42 revocation.>  
1 43 #2. Page 1, by inserting after line 10, the  
1 44 following:  
1 45 <Sec. \_\_\_\_\_. Section 321J.12, subsection 2, Code  
1 46 2003, is amended to read as follows:  
1 47 2. A Except as provided in section 321J.2,  
1 48 subsection 2A, a person whose driver's license or  
1 49 nonresident operating privileges have been revoked  
1 50 under subsection 1, paragraph "a", shall not be  
2 1 eligible for any temporary restricted license for at  
2 2 least thirty days after the effective date of the  
2 3 revocation. If the person is under the age of twenty=  
2 4 one, the person shall not be eligible for a temporary  
2 5 restricted license for at least sixty days after the  
2 6 effective date of the revocation. A person whose  
2 7 license or privileges have been revoked under  
2 8 subsection 1, paragraph "b", for one year shall not be  
2 9 eligible for any temporary restricted license for one  
2 10 year after the effective date of the revocation.>  
2 11 #3. By renumbering as necessary.  
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2 15 \_\_\_\_\_  
2 15 SHOULTZ of Black Hawk  
2 16 HF 65.202 80  
2 17 rh/sh